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PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS

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STATEMENT BY THE

INDONESIAN OBSERVER DELEGATION

ON

ITEM 6 OF THE AGENDA

14.8.91

Mr. Chairman,

Since I am speaking for the first time, may I congratulate you on your unanimous election as Chairman of this session of the Sub-Commission. We are sure that under your wise guidance and experienced leadership, the Sub-Commission will achieve substantial results in carrying out its mandate in the promotion of human rights.

We have followed with great interest the deliberations of item 6 which, in our view, represents important parts of the work of the Sub-Commission. This item is of particular importance not only to NGOs, in order to bring to the surface allegations of violations of human rights anywhere in the world, but also for governments in order to examine the situation in their respective countries.

As has been often stated, and as Mrs. Halima Warzazi correctly remarked during the early discussions on this item, no government is immune to allegations of violations of human rights. This does, of course, depend very much on our common understanding of what is meant by violations of human rights. Very often they are narrowly interpreted within the domain of civil and political rights only, and are restricted more specifically to cases of detention, torture, summary execution and disappearances. The principle of the indivisibility of all aspects of human rights is often forgotten, and cases within the areas of economic, social and cultural rights are often ignored. Rarely are references made to the plight of millions of refugees and displaced persons, homeless people and migrant workers.

Conventions governing the rights of these social groups, which are very vulnerable to violations, are rarely invoked.

Mr. Chairman,

Arbitrary justice does not do justice. Arbitrariness in the substantive interpretation of the term "violations", is often coupled with a tendency to expose cases in only some parts of the world. This issue of selectivity, which is unfair to certain countries is, among other reasons, a logical consequence of the imbalance of the NGOs' participation in this Sub-Commission and the Commission, the majority of which are based in Western countries and so few are preoccupied with social and economic rights. While recognizing the values of NGOs' participation, we would like to underline that their participation would be of even greater benefit to the Sub-Commission if they can ensure the objectivity and the reliability of their contribution.

In contrast to the international monitoring system of violations of human rights under thematic or country related working groups and rapporteurs, in particular the communications submitted under the 1503 procedure, this public forum lacks adequate rules of procedure. As a result, these public proceedings are inconsistent with even the most basic legal principles in that, in general, those who make allegations are not required to provide substantive evidence, and contrary to the basic principle of presumption of innocence, it is the accused who should carry the burden of proof. The psychological nature of the public procedure reinforces the tendency to exaggerate information in order to attract public attention, and to make

gross allegations at the expense of justice. Such a practice is clearly not conducive to the creation of a constructive dialogue.

Take the example of the references made about East Timor. It has always been the policy of my Government to respond to all communications alleging violations of human rights in the Province. We have always replied, in letters to both the Working Group on Communications and to the thematic rapporteurs, the reports of which are sometimes made public. Many of the gross allegations made under item 6 are exactly the same as those contained in these communications and, are made without the slightest evidence. As further evidence of Indonesia's goodwill and as a reflection of our preference for a constructive dialogue, the Government of Indonesia has extended an invitation to the Special Rapporteur on Torture, Prof. Kooijmans, to visit Indonesia including East Timor, before the end of the year, which will enable him to gather first hand information on the situation in East Timor.

Mr. Chairman,

Most of those who claim to be representatives of the East Timorese are people who left the province by their own choice many years ago, even during the colonial period. Given the liberty to leave East Timor, none of them have shown the slightest hesitation in seeking foreign nationality. They have obviously been quite willing to forego their own customs and traditions in favour of the prospect of matrial gains abroad. Due to their lengthy absence from East Timor, none of these people have any knowledge of the present situation, nor do they have any

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idea of the efforts made to improve living conditions in the Province. These people are detached from the present reality. In their isolation they depend solely on rumours and misinformation.

With regard to the references about the political situation, my Delegation is pleased to note the positive development of the dialogue between Indonesia and Portugal. In this respect we would like to refer to the UN Press Release no. SG/SM/1229 which stated that in the substantive talks under the chairmanship of the Secretary General the two sides have agreed to a number of pending issues related to the terms of reference of the proposed visit by a Portuguese Parliamentary delegation. Since the competent authorities of both sides have now approved the agreement and the practical arrangements for the visit have subsequently been discussed, there is an air of optimism that the invitation which was extended by the Speaker of the Indonesian Parliament in 1988 will eventually be materialised, hopefully, in the very near future.

Thank you, Mr. Chairman.